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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Confirmation No. 8225

N. ALESSANDRI et al.

Atty. Docket No. 023349-00280

Serial No.: 10/645,586

Examiner: Crow, Stephen R.

Filed: August 22, 2003

Art Unit: 3764

For: A SUPPORT DEVICE, WITH DAMPING, FOR A MOBILE PART OF AN EXERCISE APPARATUS

SUPPLEMENTAL RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

January 26, 2005

Sir:

Further to the Response to Election of Species Requirement filed on October 20, 2004, the following election is being made in response to the Office Action dated September 20, 2004, and the Office Communication dated December 28, 2004. The Office Action dated September 20, 2004, identified five (5) patentably distinct species of the claimed invention. The Office Action required the Applicants, under 35 U.S.C. § 121, to elect a single species for prosecution on the merits. The five species (5) identified in the Office Action are:

Species 1, Figures 1-4, 13 and 14 recited in claims 20, 22, 25, 28;

Species 2, Figure 5 recited in claims 20, 23, 24, and 26;

Species 3, Figure 6 recited in claim 20;

Species 4, Figures 7-8 recited in claims 29, 30, and 31; and

Species 5, Figure 9 recited in claims 20, 21, and 27.

Additionally, the Applicants were required to elect one of the following damping means subgroups:

- A, Figure 10 recited in claims 1-20;
- B, Figure 11 recited in claims 1-20; and
- C, Figure 12 recited in claims 1-20.

Pursuant to the election of species requirement, the Applicants elect prosecution on the merits of Species 1, as shown in Figures 1-4, 13 and 14. The Applicants submit that this species is recited in claims 20, 22, 25 and 28.

The Applicants also elect prosecution on the merits of Subgroup C with traverse. Figures 10 and 12 are directed to equivalent embodiments. Figure 10 shows the connection of the coil 11 to the moving component 9, while the permanent magnet 12 and the non-permanent magnet 13 are both connected to the fixed support member 3. In Figure 12, the coil 11 is connected to the static support member 3, while the permanent magnets 12 are connected to the moving component 9 of the actuator 8. Figure 11 is the same as Figure 10, and has the same elastic element (5) as in Figure 10, although the elastic element is not shown in the illustrated view of Figure 11.

The Applicants submit that subgroup C is recited in claims 1-20.

The Applicants also reserve the right to file one or more divisional applications directed to the non-elected species and subgroups.

With the above election, the Applicants respectfully submit that the application is in condition for examination on the merits. An early examination and favorable action is respectfully solicited.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an

extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 01-2300, **referencing Attorney Docket No. 023349-00280.**

Respectfully submitted,



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